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On June 28, 2000

TOWNSEND and TOWNSEND and CREW LLP

By: Tommy L. Foster
TOMMY L. FOSTER

PATENT
Attorney Docket No.: 15270J-004750US
15270J-004760US
15270J-004770US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Schenk et al. .

Application No.: 09/580,015

09/580,018

09/580,019

Filed: May 26, 2000

For: PREVENTION AND TREATMENT
OF AMYLOIDOGENIC DISEASE

Examiner: Not Assigned

Art Unit: Not Assigned

EXPEDITED PETITION FOR A
RETROACTIVE FOREIGN FILING
LICENSE

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR 5.25, petitioner requests a retroactive filing license for the subject matter disclosed in the above-referenced applications.

The three applications have substantially the same specification, but differ in the claims. All claim priority from USSN 09/322,289 filed May 28, 1999. The three applications have been consolidated for purposes of foreign filing.

Particulars of the applications are as follows:

(a) Inventors: Dale B. Schenk, Nicki Vasquez and Ted Yednock, title PREVENTION AND TREATMENT OF AMYLOIDOGENIC DISEASE, USSN 09/580,015, filed May 26, 2000.

(b) Inventors: Dale B. Schenk, Frederique Bard and Ted Yednock, title PREVENTION AND TREATMENT OF AMYLOIDOGENIC DISEASE, USSN 09/580,018, filed May 26, 2000.

(c) Inventors: Dale B. Schenk, title PREVENTION AND TREATMENT OF AMYLOIDOGENIC DISEASE, USSN 09/580,019, filed May 26, 2000. Copies of all three applications are attached.

Substantially similar patent applications were filed in the foreign countries listed below:

| <u>Country/Region</u> | <u>Serial Number</u> | <u>Filing Date</u> |
|-----------------------|----------------------|--------------------|
| Argentina | P000102514 | May 23, 2000 |
| Chile | 1353-2000 | May 26, 2000 |
| Colombia | 00039177 | May 26, 2000 |
| Ecuador | NK | May 25, 2000 |
| Egypt | 687/2000 | May 27, 2000 |
| Malaysia | NK | May 26, 2000 |
| Nigeria | NK | May 22, 2000 |
| Peru | 488.2000 | May 26, 2000 |
| Philippines | NK | May 27, 2000 |
| Pakistan | NK | May 23, 2000 |
| Saudia Arabia | | Unfiled |
| Thailand | 057627 | May 16, 2000 |
| Taiwan | NK | May 24, 2000 |
| Uruguay | 26182 | May 29, 2000 |
| Venezuela | 1135-00 | May 24, 2000 |

(NK = Not yet known.)

It will be noted that the application in Saudia Arabia has not yet been filed. Therefore, the request for a foreign filing license for Saudia Arabia is prospective in nature.

The subject matter of the above-listed applications relates to methods and compositions for prevention and treatment of amyloidogenic diseases, such as Alzheimer's disease. The above US and foreign applications (insofar as allowed by foreign law) claim priority to U.S. Patent Application Ser. No. 09/322,289 filed May 28, 1999, which also discloses methods and compositions for prevention and treatment of amyloidogenic diseases. The above-listed foreign and US applications differ from USSN 09/322,289 primarily in that they disclose additional information regarding preferred epitopes within or bound by active agents, and screening methods for identifying the same. A foreign filing license has been granted for USSN 09/322,289.

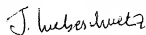
The facts and circumstances in which the above foreign applications were filed without requesting a foreign filing license are outlined in the attached declaration by the undersigned. In brief, this was due to inadvertent oversight under time pressure to file the applications before expiry of the convention period. It is respectfully submitted that these facts establish that any error was without deceptive intent.

It is believed by the undersigned that under 37 CFR §5.11(e)(3), no foreign filing license is required for the above-listed foreign patent applications because (i) the corresponding United States application (USSN 09/322,289) is not subject to a secrecy order under 37 CFR §5.2 and was filed at least six months prior to the dates on which the applications were foreign filed; (ii) the corresponding United States application (USSN 09/322,289) not required to be made available for inspection under 35 USC 181; and (iii) the modifications, amendments, and supplements in the foreign filed applications do not change the general nature of the invention in a manner which would require any corresponding United States application to be or have been available for inspection under 35 USC 181. Thus, in view of the above, Applicants' attorney is not certain that a license is required. However, out of an abundance of caution, a retroactive filing licence is being diligently sought.

In view of the foregoing, it is requested that a foreign filing license be granted.

Please charge deposit account 20-1430 \$130 for the petition fee. Please charge any account fees or credit any overpayment to the same account.

Respectfully submitted,



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